

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

[illegible]

Bank of America, N.A., its assignees and/or successors, files this Conditional Non-Opposition to Motion to Sell, filed by Chapter 7 Trustee, David A. Rosenberg, as follows:

1. Bank of America is entitled to receive payments per the terms of a Promissory Note dated 9/3/2008, in the principal amount of \$139,806.00, which is secured by a Deed of Trust of the same date, and recorded in the Official Records of Clark County,

1 Nevada, on 9/12/2008 for the real property commonly known as: 1465 Linn Lane,  
2 Las Vegas, NV 89110 ("Property").

- 3 2. Bank of America has no Opposition to Trustee's Motion to Sell the subject property  
4 so long as the lien of Bank of America is paid off in full pursuant to a payoff  
5 requested by the Trustee. Pursuant to 11 U.S.C. § 363(f), Bank of America is entitled  
6 to the full payment of its claim.
- 7 3. Or alternatively, should the Court grant the Motion pursuant to 11 U.S.C. § 363(b),  
8 Secured Creditor requests that the Order granting the Motion clearly indicate that the  
9 buyer takes the Property subject to Secured Creditor's lien, that Secured Creditor's  
10 state law remedies, including any pending foreclosure proceedings, shall not be  
11 affected by the proposed sale, and for *in rem* relief as to the Property.

12  
13 Based upon the foregoing, Bank of America respectfully requests as follows:

14 That the Court grant the Motion to Sell so long as the lien for Bank of America is paid off  
15 in full pursuant to a payoff requested by the Trustee; or alternatively, that the Order clearly  
16 indicate that the buyer takes the Property subject to Secured Creditor's lien and that Secured  
17 Creditor's state law remedies, including any pending foreclosure proceedings, shall not be  
18 affected by the proposed sale, and for *in rem* relief as to the Property; or alternatively, that the  
19 Court deny the Motion to Sell in its entirety.

20  
21  
22 Respectfully submitted,

23 Dated: 1/22/2014

McCarthy & Holthus, LLP

24  
25 By: /s/ Sherry A. Moore, Esq.  
26 Sherry A. Moore, Esq.  
27 Attorney for Secured Creditor,  
28 Bank of America, N.A., its assignees  
29 and/or successors

Kristin A. Schuler-Hintz, Esq. SBN 7171  
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Fax (866) 339-5691  
NVBK@McCarthyHolthus.com

Attorney for: Bank of America, N.A., its assignees and/or successors

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:	) Case No.: 11-18779-led
	)
Ruben Porras,	) Chapter 7
	)
	) DATE: 2/06/2014
Debtor.	) TIME: 11:00 am
	)
	) <b>CERTIFICATE OF SERVICE OF</b>
	) <b>CONDITIONAL NON-OPPOSITION TO</b>
	) <b>MOTION TO SELL</b>

**CERTIFICATE OF SERVICE**

On 1/23/2014, I served the foregoing **CONDITIONAL NON-OPPOSITION TO MOTION TO SELL** on the following individuals by electronic means through the Court's ECF program:

**TRUSTEE**

David A. Rosenberg  
darosenberg@7trustee.net

**DEBTOR(S) COUNSEL**

Frank J. Sorrentino  
carson@franksorrentino.com

**I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

/s/ Cynthia Penaloza  
Cynthia Penaloza

On 1/23/2014, I served the foregoing **CONDITIONAL NON-OPPOSITION TO MOTION TO SELL** on the following individuals by depositing true copies thereof in the United States mail at San Diego, California, enclosed in a sealed envelope, with postage paid, addressed as follows:

**DEBTOR(S)**

Ruben Porras, 4775 E Wyoming Ave, Las Vegas, NV 89104

**US TRUSTEE**

300 Las Vegas Boulevard South, Suite 4300, Las Vegas, NV 89101

**JUDGE'S COPY**

The Honorable Judge, Bruce A. Markell, United States Bankruptcy Court - Southern Division, U.S. Bankruptcy Court, 300 Las Vegas Boulevard South, Las Vegas, NV, 89101

**I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

Dated: 1/23/2014

/s/ David Fry  
David Fry